



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

69-504
 Provided by DEP

A. General Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

SEEKONK
 Conservation Commission

This issuance is for (check one):

- Order of Conditions
- Amended Order of Conditions

To: Applicant:

H. Charles Tapalian
 Name
P. O. Box 39
 Mailing Address
Seekonk MA 02771
 City/Town State Zip Code

Property Owner (if different from applicant):

 Name

 Mailing Address

 City/Town State Zip Code

1. Project Location:

<u>Davis Street</u> Street Address	<u>Seekonk</u> City/Town
<u>26</u> Assessors Map/Plat Number	<u>7, 16, 77 and portion of 20</u> Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

<u>Bristol</u> County	<u>8126, 3264, 10454</u> Book	<u>66,123, 176</u> Page
<u>N/A</u> Certificate (if registered land)		

3. Dates:

<u>08/08/02</u> Date Notice of Intent Filed	<u>09/23/02</u> Date Public Hearing Closed	<u>09/26/02</u> Date of Issuance
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4. Final Approved Plans and Other Documents (attach additional plan references as needed):

<u>Definitive Subdivision, Holland Woods, H. Charles Tapalian, Davis St.</u> Title	<u>7/31/02, rev. 9/23/02</u>
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5. Final Plans and Documents Signed and Stamped by:

Rodney W. Wick
 Name

6. Total Fee:

\$1250.00
 (from Appendix B: Wetland Fee Transmittal Form)



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B. Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Public Water Supply | <input type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution |
| <input checked="" type="checkbox"/> Private Water Supply | <input type="checkbox"/> Fisheries | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

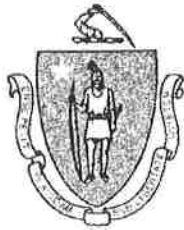
- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

General Conditions (only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.



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B. Findings (cont.)

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]
"File Number 69-504"
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.



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B. Findings (cont.)

15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

Special Conditions (use additional paper, if necessary):

18. The applicant shall notify the Conservation Commission at (508) 336-2944 at least 48 hours before beginning site work.
19. The applicant must submit as built plans at the end of construction with the request for a Certificate of compliance.

(SEE ATTACHED ADDITIONAL CONDITIONS.)

Findings as to municipal bylaw or ordinance

Furthermore, the SEEKONK hereby finds (check one that applies):
 Conservation Commission

- that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name _____ Municipal Ordinance or Bylaw _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Name _____ Municipal Ordinance or Bylaw _____

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

CONSTRUCTION SEQUENCE

1. Notify the Seekonk Conservation Commission prior to the commencement of construction, as specified in the Orders of Conditions under MA DEP File No. SE 69-504, and erect a sign at the site entry identifying the MA DEP File No. to the specifications also identified in the Orders of
2. Survey locate road centerlines and all limits of disturbance prior to clearing and grubbing.
3. Clear trees and shrubs within project limits specified. Care shall be exercised to fell trees toward the project work area and not beyond project limits.
4. Properly install perimeter erosion controls and orange construction fencing prior to the commencement of earthwork, and in strict adherence to the locations shown on the plans.
5. Grub work areas and ensure that no slash, stumps, or debris are deposited outside of approved project limits.
6. Establish road bedding and cross culverts, and fill roadbed sufficient for site access.
7. Construct wetland replication area in accordance with notes provided on this sheet. Machinery access for wetland replication shall be through proposed detention basin "A". Install wetland replication plantings upon completion of final grading and organic soil placement. Planting shall be sequenced with detention basin "A" construction such that access for planting is maintained and such that the toe of the basin slope is at finish grade prior to planting.
8. Construct detention basins sequentially prior to installation of drainage piping. All basins are to be final shaped, loamed, seeded, and stabilized with grass sufficient in maturity to adequately retain soils prior to the introduction of project stormwater.
9. Once stormwater is to be introduced into the basins, and only after adequate soil stabilization has been achieved by grass cover, a three foot section of perimeter controls at the outlet of each basin shall be removed and replaced with a crushed stone check dam as specifically noted on the plans.
10. Finalize site and road grading, complete in road utility installation, set curbing and finder, and apply pavement topcoat.
11. Loam all exposed areas not designed for other treatment, install tree and shrub plantings where shown on the plans, and seed all exposed soils. See erosion and sedimentation control notes regarding erosion and stabilization concerns and timing.
12. The contractor/owner is responsible for ensuring the survival of all tree and shrub plantings for not less than two years. Any planted trees and shrubs that do not survive, or that exhibit ill condition, during this period shall be replaced by the contractor/owner at no expense to the town.

WETLAND REPLICATION NOTES

Work on the replacement wetland is not to commence without first notifying Caputo & Wick Ltd. The engineer will review in the field project limits, trees to be retained, and general construction sequence and methods

No work is to occur on the wetland side of approved project limits. Perimeter hay bales are to be installed prior to earthwork and will serve as work limits. No stones, brush, construction debris, litter, or other materials are to be deposited on the wetland side of the hay bales.

Trees and shrubs currently present along the work limits and wetland edge shall be retained.

The wetland floor shall be over-excavated to accommodate 6" of evenly spread organic mix soil. All soils excavated, as part of the project shall be either re-used on site within approved project limits or shall be responsibly hauled off site and deposited in an approved upland location outside of wetland areas.

The excavated wetland floor shall be graded to gradually blend with the undisturbed wetland floor.

Following final shaping of the replication area, the organic mix soil shall be spread on the basin floor and on the side slopes up to elevation 143.0 (where applicable) to a depth of 6". Care shall be taken to avoid mechanical compaction of the organic mix soil once it is layed and spread on the wetland floor. Six inches of loam shall be spread on wetland side slopes above elevation 143.0 following final shaping.

The organic mix soil shall comprise loam blended with peat moss and/or humus at a ration of three parts mineral soil to one part peat/humus.

Any suitable "O" and "A" horizon (top) soils stripped from the impact area may be used to supplement the organic mix soil as directed by the engineer. Soils from the impact area may be stockpiled prior to respreading in the replication area but they shall be stockpiled for as short a duration as feasible and shall remain covered with tarps to retain moisture content and to minimize exposure to direct sunlight.

A line of staked, untrenched hay bales shall be installed on the wetland floor at the toe of the graded slopes where shown on the plan immediately following topsoil spreading.

The engineer reserves the right to specify the installation of additional staked hay bales and/or silt fence during construction as necessary based on field conditions.

Trees and shrubs shall be planted as shown on the plans.

The wetland floor and lowest one foot of the side slopes (up to elevation 143.0 where applicable) shall be seeded with a hydric grass/herb seed mix to be approved by the engineer.

Wetland side slopes above elevation 142.0 and all upland areas exposed as a result of wetland replication activities shall be sceded with a conservation grass mix. The lowest one-foot of the side slopes shall be seeded with both seed mixes.

The perimeter and interior hay bale lines are to remain in place until soils have stabilized to the satisfaction of the engineer and/or the Conservation Commission.

The contractor is responsible for watering trees, shrubs, and seed as necessary to ensure germination and survival

STORMWATER MAINTENANCE SCHEDULE

1. The roadway area is to be swept clean on a semi-annual basis to remove contaminants and soil fines. It is particularly important to schedule sprint sweeping to remove residual and sand resulting from winter snow and ice removal operations.
2. Inspect catch basins and drain manholes semi-annually (spring and late fall/early winter) and remove sediment, leaves and debris as necessary. It is important that the sumps be properly maintained to prevent discharge of fines into the stormwater system.
3. Inspect interconnection piping on an annual basis, and remove all fines or other contaminants. Late spring or early summer inspection schedule is considered preferable.
4. Inspect the detention basins and water quality swales on an annual basis, and remove any sediment, leaves and debris. Late spring or early summer inspection schedule is considered preferable.

EROSION AND SEDIMENTATION CONTROL

1. All perimeter erosion and sedimentation controls must be installed prior to the commencement of earthwork at the specific areas indicated on the plans. Vegetative clearing may occur prior to installation of such controls, but no grubbing, grading, filling, or other soil disturbance shall occur prior to control installation.
2. No work is to occur on the wetland side of perimeter erosion and sedimentation controls. All perimeter controls serve as the project limit of clearing and surface disturbance.
3. No stones, brush, construction debris, litter, or other materials are to be deposited on the wetland side of perimeter erosion and sedimentation controls.
4. All perimeter erosion and sedimentation controls must be properly maintained and must remain in place until soils have stabilized to the satisfaction of the engineer and/or the Conservation Commission.
5. The engineer reserves the right to specify additional controls as conditions may warrant. Accessible reserves of silt fence, hay bales, and stakes are to be maintained on site for routine maintenance and in event of unanticipated problems requiring immediate response.
6. The toe of fill slopes is to remain at least one foot inside of all erosion controls. Under no circumstance shall the erosion controls be covered with fill material. Any fill material that is placed on erosion controls shall be immediately removed.
7. All silt fence is to be installed with the lower 6" buried and backfilled with compacted soil material. All hay bales are to be double staked and installed with the lower 4" buried and backfilled with compacted soil material, except as noted within the wetland replication area. When used in combination, a sufficient amount of the silt fence shall be placed in the trench so that the hay bales stakes are driven through the fabric.
8. Hay bale check dams are to be installed at the toe of slopes at each corner of the wetland crossing, as denoted on the plans, and at any other area where stormwater has the opportunity to drain along the toe of newly created slopes and into wetlands.
9. All disturbed soils either newly created, or exposed, within 100' of wetland prior to October 15 of any calendar year shall be seeded or protected by that date. Any areas that do not have adequate vegetative stabilization by November 15 of the same year must be stabilized through the use of erosion control matting, hay mulch, or equivalent.
10. Soil stockpiles to remain idle more than 30 calendar days are to be ringed with either silt fence or staked hay bales and seeded with a conservation grass mix.
11. All disturbed soils not designated for other surface treatment are to be loamed and seeded immediately following final grading.
12. Appropriate precautions should be taken to prevent the tracking of soil beyond project limits due to construction equipment.



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B. Findings (cont.)

Additional conditions relating to municipal ordinance or bylaw:

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Date September 26, 2005

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:
Richard C. Walker
Warren P. Leach
[Signature]
Christopher Clegg

On 23rd Day Of September 2002 Month and Year

Before me personally appeared Richard C. Wallace

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Wahlene T. Sicario
 Notary Public - Wahlene T. Sicario

January 9, 2008
 My Commission Expires

This Order is issued to the applicant as follows:

- by hand delivery on by certified mail, return receipt requested, on

Date _____ Date September 26, 2002



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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C. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

D. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

SEEKONK

Conservation Commission



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D. Recording Information (cont.)

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

SEEKONK
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Davis Street
 Project Location

SE 69-504
 DEP File Number

Has been recorded at the Registry of Deeds of:

Bristol
 County

Book

Page

for:

H. Charles Tapalian
 Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

SEPTEMBER 26, 2002
 Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant